IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:08cv285

DJUNA HENSLEY,)
Plaintiff,)
Vs.	ORDER
MICHAEL J. ASTRUE, Commissioner of Social Security,)))
Defendant.)))

THIS MATTER is before the court upon the court's own Motion to Dismiss. Review of the court's docket reveals that plaintiff's deadline for filing a Motion for Summary Judgment and supporting brief was January 7, 2009. On January 6, 2009, the district court met with counsel for plaintiff concerning missed deadlines in other Social Security cases and was assured that no deadlines would be missed in the future. The district court instructed and warned counsel that if any deadlines were missed in the next three months, that such cases would be dismissed summarily. By failing to file the Motion for Summary Judgment and supporting brief the following day in this case, counsel for plaintiff has disobeyed the instructions of the district court. In accordance with the instructions of the district court, the undersigned enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that this action is DISMISSED without

prejudice as to the refiling by plaintiff either *pro se* or with the assistance of another

attorney within sixty (60) days of the filing of this Order.

Counsel for plaintiff shall notify his client of the entry of this Order and advise

such client of the refiling rights as outlined in this Order. Counsel shall also provide

such client with a list of other attorneys in the Asheville Division who provide

representation in Social Security appeals. Further, counsel for plaintiff shall with

such notice provide the client with a copy of the client's file without charge.

Signed: January 9, 2009

Dennis L. Howell

United States Magistrate Judge

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